

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

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WEDNESDAY, THE TWENTYSEVENTH DAY OF JULY
TWO THOUSAND AND FIVE

P R E S E N T

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

* * *

WRIT PETITION No.16393 OF 2005

Between:

Harijana Vonnurappa ... Petitioner

Versus

The District Collector, Anantapur District

& Ors. ... Respondents

Counsel for the Petitioner : Mr.GOLLA SESHADRI

Counsel for the Respondents 1 to 3 : GOVT. PLEADER FOR REVENUE

Counsel for the Respondent No.4 : NONE APPEARED

ORDER :

Questioning the action of the third respondent in trying to dispossess the petitioner from the land admeasuring Acs:3-00 in survey no.135/4 situate at Rangasamudram village, Gummagatta Revenue Mandal, Anantapur district and trying to transfer the same in favour of the fourth respondent without giving any notice and without following due process of law, this writ petition is filed seeking mandamus to direct the respondents to consider the representations of the petitioner dated 26-4-2005 and 07-6-2005.

The case of the petitioner is that he is a landless poor and after due enquiry the third respondent had allotted Acs:3-00 of land and issued 'D' form patta in DAR.No.4/1405 dated 10-1-1996 and during the year 1999, the third respondent issued pattedar passbook and title deed bearing patta no.357 in his favour. Since the date of issuance of 'D' form patta, the petitioner is cultivating the land.

While things stood thus, the third respondent is now trying to transfer the said land in favour of fourth respondent, though the petitioner is in continuous possession and enjoyment over the said extent of land. Moreover, on 04-7-2005 some persons claiming to be the men of the fourth respondent came to the land of the petitioner and high handedly tried to encroach the same and thereupon the petitioner sent his representation on 26-4-2005 and 07-6-2005 to the third respondent but the same are pending before the third respondent. Having issued 'D' form patta, pattedar passbook and title deed, the third respondent under the influence of fourth respondent is threatening to dispossess me from the aforesaid land, which is highly deplorable and against the principles of natural justice.

Considering the facts and circumstances of the case, without going into merits or otherwise, I deem it appropriate to direct the third respondent to consider and dispose of the representations dated 26-4-2005 and 07-6-2005 submitted by the petitioner within eight weeks from the date of receipt of a copy of the order and pass appropriate order on merits and in accordance with law, after giving reasonable opportunity of hearing the petitioner. Till such time, the respondent 1 to 3 are directed not to interfere with the petitioner's possession and enjoyment over the land admeasuring Acs:3-00 in survey no.135/4 situate at Rangasamudram village,

Gummagatta Revenue Mandal, Anantapur district or trying to transfer the same in favour of the fourth respondent or contemplating any action without giving any notice and without following due process of law.

With the above direction, the writ petition is disposed of at the admission stage. No costs.

JULY 27th, 2005. -----

I s L. ELIPE DHARMA RAO , J.